

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. T-02/10-85
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Office of Vermont Health Access (OVHA) denying her coverage for acupuncture treatments under the Vermont Health Access Program (VHAP). The issue is whether acupuncture is a covered service under VHAP.

FINDING OF FACT

The petitioner is a VHAP recipient who has requested VHAP coverage for acupuncture treatments for relief of a chronic medical condition. At this time the Department does not dispute the petitioner's claim that acupuncture is a medically necessary and appropriate treatment for her. OVHA has notified the petitioner that acupuncture treatments are not covered under the VHAP program.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP regulations specifically exclude coverage for "acupuncture, acupressure or massage therapy". W.A.M. § 5351 and Procedures Manual § P-4005(C)(9). Moreover, VHAP, unlike Medicaid, has no provision for exceptions to non-coverage based on medical necessity or detrimental health consequences. See W.A.M. § 7104. As the Department's decision denying VHAP acupuncture coverage to the petitioner is in accord with its regulations, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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